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Members of the public who wish to provide public comment are encouraged to submit those via email in advance of the meeting. For these comments to be read into the record, they should be submitted at least three hours in advance of the meeting start time. Please email Brian Candela at bcandela@norwalkct.org to provide written public comment prior to the meeting.

REGULAR MEETING

BOARD OF ETHICS

Thursday, January 28, 2021 020 at 7:00 p.m.

Teleconference/Videoconference

AGENDA

1. ROLL CALL:

2. New Introduction:

3. Public Participation:

4. ACCEPTANCE OF MINUTES:

- October 22, 2020

5. OLD BUSINESS:

Provide update on the Code of Ethics

Discuss and vote on potential changes to the Citizen's Guide to Norwalk's Code of Ethics.

6. NEW BUSINESS:

7. EXECUTIVE SESSION:

8. ADJOURNMENT:

October 22, 2020 Board of Ethics Minutes

**CITY OF NORWALK
BOARD OF ETHICS
REGULAR MEETING
OCTOBER 22, 2020**

ATTENDANCE: Mr. Michael Church, Chair; Tony Lopez;
Kara Murphy, Heraldo Williams (7:20 p.m); Nora Niedzielski-
Eichner

STAFF: Brian Candela, Corporation Counsel

ROLL CALL

Mr. Church called the meeting to order at 7:03 p.m.

NEW INTRODUCTION

There was no introduction.

PUBLIC PARTICIPATION

Nobody from the public was present.

ACCEPTANCE OF MINUTES: August 27, 2020

**** MS. NIEDZIELSKI-EICHNER MOVED TO APPROVE THE MINUTES.**

**** MR. LOPEZ SECONDED.**

**** THE MOTION WAS APPROVED 3-0 WITH ONE ABSTENTION (MS. MURPHY).**

PUBLIC PARTICIPATION

There was no one from the public present who wished to participate at this time.

OLD BUSINESS

Review Code of Ethics 32-4

Review Code of Ethics and the Citizen's Guide to Norwalk's Code of Ethics. Discuss and vote on potential changes to both documents.

Mr. Church talked about the most recent Ordinance Committee meeting. He said the Ordinance Committee had a little more revising to do. He said they felt the Board of Ethics should look at it one more time and let the Ordinance Committee know.

Mr. Church asked the Board to take another look at 32-4. Conflict of Interest is 32-4 A(1) and 32-4 A(2). Ms. Niedzielki-Eichner said she would say a Conflict of Interest *includes any of the following* instead of arises. She said she was a bit concerned about a direct or indirect personal interest. Ms. Niedzielski-Eichner said the language seemed a bit too broad. Mr. Candela said the Board would have to separate a personal interest from a financial interest. She said another area of clarification needed is the issue of importance in 1c.

Mr. Church said if we make these changes it opens us up to being too specific or not being specific enough.

Ms. Niedzielski-Eichner said she feels personal could be seen as too broad. Mr. Candela said it would not have to do with your job it would be a business interest outside of your job.

Ms. Niedzielski-Eichner said she could not remember a1 being as general as it is now.

Ms. Murphy said when you start getting into financial conflicts and the personal conflicts she said Mr. Livingston is probably reading the two sections together. She said we have to make sure the two sections do not conflict.

Mr. Church said the Ordinance Committee will have the final say. He said his recommendation be we wait for their final word and then the Board can critique it. He explained it was not worth spending 20-30 minutes redoing it at this time.

Ms. Murphy said there is a gap between 32-4c and 32-8c. She said a year ago the Ordinance Committee were very concerned about 32-8c. Mr. Candela said Mr. Livingston and Ms. Lisa Shanahan spearheaded the changes to 32-4.

Mr. Church said the Board can give their thoughts to Mr. Livingston so they can look at it before their next meeting.

Mr. Lopez asked that Mr. Candela get the draft language from the Ordinance Committee to the Board of Ethics as soon as possible before their next meeting. Mr. Church said most likely the Board of Ethics will not meet again until January unless they convene a special meeting in December.

ADJOURNMENT

**** MR. WILLIAMS MADE A MOTION TO ADJOURN.**

**** MS. MURPHY SECONDED.**

The meeting adjourned at 7:35 p.m.

Respectfully submitted,
Telesco Secretarial Services

G. Venuto

Citizen's Guide to the Code of Ethics

City of Norwalk, Connecticut

Board of Ethics

Citizen's Guide to the Norwalk Code of Ethics

July 22, 2020

Citizen's Guide to the Norwalk Code of Ethics

Contents:

1. Introduction

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Key Aspect of Ethical Behavior for Employees and Officers

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Gifts

Employment

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Who files a Complaint?

Who is the subject of the Complaint?

How does a citizen file a Complaint?

Complaint Process

City of Norwalk Code of Ethics Complaint Process

Process Explanation - Investigation and Hearing Processes

3. Complaint Form

4. Code of Ethics

1. Introduction:

The City of Norwalk Board of Ethics is an independent commission charged with administering and enforcing the City of Norwalk's Ethics Complaint Process. This Guide provides general information to the public and to the City of Norwalk's employees, contractors, and officials, both appointed and elected.

The Board of Ethics is authorized under Chapter 32 of the City of Norwalk Code of Ordinances to uphold the following:

- A. Public service is a trust, and the proper operation of the City of Norwalk requires that all City officers and employees, whether elected or appointed, paid or unpaid, be impartial and responsible to the public. Public office and employment must not be used for unfair personal or financial advantage. The public needs and deserves to have confidence in the integrity of the municipal government of our City.
- B. Officers and employees of the City of Norwalk must refrain from personal, business, and financial activities that adversely affect the individual's fidelity and impartiality, having regard for the nature and scope of their official responsibilities.
- C. In recognition of the aforementioned principles, there is hereby established a Code of Ethics which shall apply for all City of Norwalk officers and employees.

This Guide provides general information only. **The descriptions of the law and the code are not intended to be exhaustive.** A complete copy of the Code of Ethics and the Citizen's Guide are available on the City's website at www.norwalkct.org. For additional information you may also go to the Connecticut Office of State Ethics at www.ct.gov/ethics.



2. Guidelines for Ethical Behavior

Key Aspects of Ethical Behavior for Employees and Officers

What is expected?

The proper operation of the City of Norwalk requires that all City officers and employees: elected, appointed; paid or unpaid, act in an impartial and responsible manner. Public office and employment must not be used for unfair personal or financial advantage. The public needs to be assured of the integrity of the municipal government of Norwalk.

Officers and employees of the City of Norwalk must refrain from personal, business and financial activities that adversely affect the individual's impartiality, within the scope of their official responsibilities.

As you read through this Guide, be aware that the Code of Ethics was enacted to prevent individuals from using their public position or authority for personal gain or benefit. The State of Connecticut and its agencies may also have their own ethics policies, which in some cases differ from what is to follow.

1) Conflicts of interest; influence or interference with duties

Officers and employees of the City of Norwalk should avoid engaging in any business or transaction or having a personal, immediate family or business interest, directly or indirectly, which is in conflict with or incompatible with the proper discharge of his or her official duties or that by creating a divided loyalty might influence or impair his or her independence of judgment and action in the performance of said duties. A conflict of interest exists whenever an officer or employee will more likely than not benefit, disproportionately from other citizens of the city, directly or indirectly, from a decision over which they have influence. ~~avoid engaging in any business or transaction and should refrain from having an interest, directly or indirectly, which is materially in conflict with or materially incompatible with the proper discharge of the individual's official duties.~~ If the individual has encountered a conflict, he or she is to disclose this in writing to the Norwalk City Clerk, and if necessary, to recuse himself or herself from taking action. If an individual is uncertain if he or she has a conflict, he or she should ask for an advisory opinion from the Board of Ethics.

An officer or employee of the City of Norwalk shall not deliberate or participate in a decision or action by the agency of which the individual is a member or is employed if he or she or any member of his or her immediate family has any interest that could be construed as benefiting due to the individual's participation.

While in employment of the City of Norwalk, officers and employees shall not grant special consideration, treatment or advantage to any person beyond that which is generally available to the public.

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2) Gifts



An officer or employee of the City of Norwalk shall not personally solicit, nor accept any gift, form of service or item of a property value of ~~\$50~~150.00 or more. Not included are:

- o Gifts or social courtesies related to family relationships.
- o Established personal friendships which are not designed to influence judgment or actions.
- o Attendance at events of a charitable, public, governmental, informational or business nature where refreshments may be served and small souvenirs of the event may be distributed, not intended to influence judgment or behavior.
- o Political contributions received within applicable laws, rules and regulations.
- o Loans obtained according to prevailing commercial practices and rates.
- o Customary performance and merit awards or honorariums.
- o Awards, gifts, etc., given as an official employee recognition program.
- o Meals and refreshments not exceeding ~~\$50~~150 in value and in aggregate over the period of year, not intended to influence judgment or actions.
- o Goods or services provided to the City.
- o ~~Meals and refreshments served in an individual's personal home.~~
- o Rebates, discounts obtained on the price of anything sold in the normal course of personal business.
- o Printed or recorded information, photographs and maps related to governmental functions/actions.
- o Certificates, plaques or ceremonial awards having a value of no more than \$200 given to an employee as part of an official Employee Recognition/Incentive Program.
 - Gifts or social courtesies, given to celebrate major life events such as weddings, births, religious milestones or major holidays, given to the officer or employee, or to the officer's or employee's immediate family, from donors, who are: (a) other relatives that are not "immediate family" as defined in Code of Ethics Chapter 32, or (b) close personal friends. Gifts made with a monetary value in excess of \$500.00 must be disclosed in writing within ninety (90) days to the Board of Ethics. In the event of a complaint of a violation of this Section, the officer or employee shall have the burden of proving that the gift is a bona fide gift or social courtesy customarily made for the occasion. Political contributions should not be construed to be a gift and are not subject to this section.

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3) Employment

a) Future Employment:

Officers and employees of the City of Norwalk shall not solicit future employment with anyone who has a substantial matter pending before the agency

for which the officer or employee served or is serving. A matter is "substantial" if it involves a financial value of \$1,000 or more or involves a question of significant public policy for the City.

b) Subsequent Employment:

There is a minimum of one year before a terminated employee or officer shall be able to work or assist any individual, person, agency, other than the City, by representing that individual, person or agency in front of his or her former department for monetary or valuable compensation.

There are also requirements to prevent the appearance of nepotism that restrict the hiring of family members within the same department for which an officer or employee works or recently worked.

Refer to the Code of Ethics for more detailed information.

4) Procurement

The City of Norwalk has adopted a set of Procurement Guidelines that govern the purchase of goods and services by the City. Vendors and contractors who wish to do business must comply with the Procurement Guidelines, which are available on the Norwalk Purchasing Department's website at <http://www.bid.ci.norwalk.ct.us>.



5) Use of Public Property

The following excerpt from Section 32-6 of the Code of Ethics addresses the prohibited use of City property and facilities:

No officer or employee shall use or authorize others to use City-owned property, including vehicles and facilities, for any purpose other than the conduct of City business, except as follows:

- A. For purposes and on terms generally available to members of the public or other officers and employees of the City generally;
- B. In accordance with such officer's or employee's work or employment with the City in which the use of such property by such officer or employee is an element of his or her compensation, term or employment, or performance for the City;
- C. A minor or incidental use for personal purposes that is without cost to the City or a minor or non-incidental use for personal purposes that is authorized by the City; or
- D. For charitable, professional or volunteer work, provided the use is authorized by the City.

6) Use of influence and information

Section 32-7 of the Code of Ethics addresses the sharing of information or use of influence of and by officers, employees or agencies in the handling of any matter or transaction of any business in which an involved individual would have special interest or could stand to gain or lose based on knowledge of said information that is not commonly shared with the general public. No employee or officer shall disclose confidential City of Norwalk information, other than in accordance with established City procedures or with appropriate authorization from the City. Further detail is available in the Code of Ethics.



Requirements

Who may file a Complaint?

- 1) Any person may file a Complaint with the Norwalk Board of Ethics.
- 2) Anonymous Complaints will not be accepted by the Board of Ethics.
- 3) When filing a Complaint or providing truthful information as part of an investigation you are protected against retaliation under the Code of Ethics.

Who is the subject of the Complaint?

- 1) The subject of your Complaint is the individual (Respondent) who you have alleged to have violated the Code of Ethics.
- 2) If that individual (Respondent) is found to have violated the Code of Ethics, the Respondent may be subject to fines and other potential repercussions.

How does a citizen file a Complaint?

- 1) Complete the enclosed form in the booklet.
- 2) When filing your Complaint, provide documentation to support your claim.
- 3) Certify, by signing your Complaint Form, that all statements are true and accurate.
- 4) Deliver your Complaint and any supporting documentation in a sealed envelope to the City Clerk's Office, marked as "Confidential."
- 5) Faxed or emailed Complaints will not be accepted.

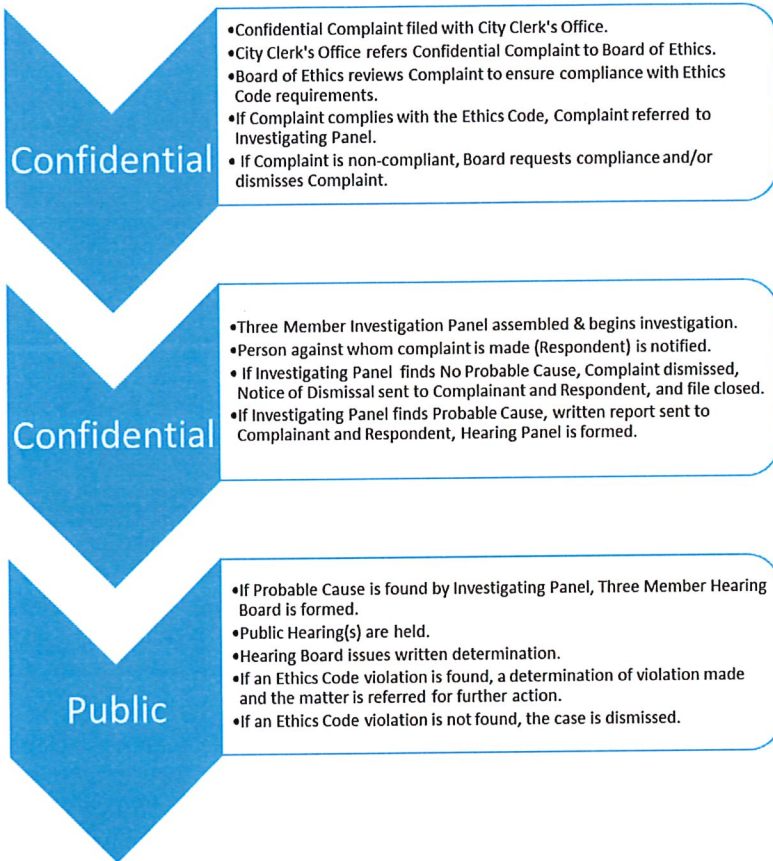
Norwalk City Clerk
Board of Ethics
125 East Avenue
Norwalk, CT 06851

What happens after a Complaint has been filed?

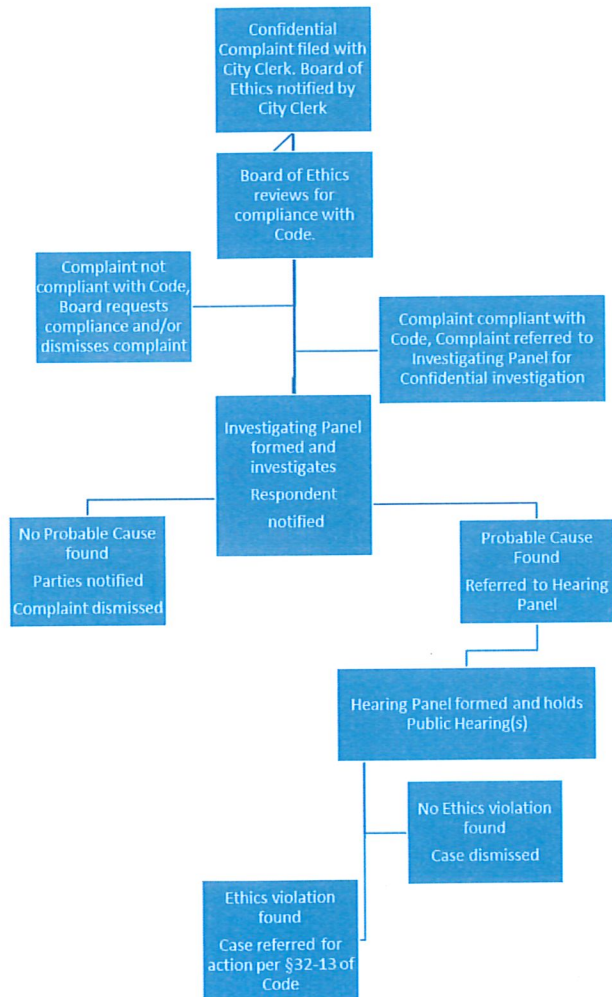
- 1) All Complaints will be handled confidentially.
- 2) Once submitted, you (the Complainant) may not withdraw by the Complaint without the approval of the Board of Ethics.
- 3) You (the Complainant) must keep the Complaint confidential.
- 4) If you (the Complainant) disclose information about the Complaint, the Board of Ethics has discretion to dismiss your Complaint.
- 5) Unless the Board of Ethics advises you (the Complainant) otherwise, the allegations in the Complaint and other information received from the Board of Ethics may not be disclosed to any third party, by you (the Complainant).
- 6) A violation of confidentiality by you (the Complainant), whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss your Complaint.

Additional forms are also available at the City Clerk's Office or online at www.norwalkct.org.

City of Norwalk Code of Ethics Complaint Process



City of Norwalk Code of Ethics Complaint Process





2) Process:

Filing and Review of your Complaint

- 1) Your confidential Complaint is filed with the City Clerk's Office.
- 2) The City Clerk's Office refers your confidential Complaint to the Board of Ethics.
- 3) The Board of Ethics reviews your Complaint to ensure compliance with the Code requirements.
- 4) If your Complaint complies with the Code, your Complaint is referred to an Investigating Panel.
- 5) If your Complaint is not compliant, the Board of Ethics may request compliance and/or dismiss your Complaint.

Investigation Process – Investigating Panel

- 1) Within 21 days of the Board's next regularly scheduled meeting following receipt of your Complaint by the City Clerk's Office, the Board of Ethics will review your Complaint and may establish an Investigating Panel.
- 2) In both an independent and confidential manner, this Panel may seek information, hear testimony, take written statements, and/or retain counsel or investigators to assist in the discovery of information.
- 3) Once an Investigating Panel is formed, it has 60 days to determine Probable Cause.
- 4) An Investigating Panel may request additional time, if necessary, to make a determination on Probable Cause.
- 5) If no Probable Cause is found, the Investigating Panel will dismiss your Complaint and shall report such dismissal to the Board of Ethics. To protect confidentiality, the dismissal will not contain details of the investigation or the reasons for the dismissal.
- 6) If the Investigating Panel finds Probable Cause, a written report will be sent to the Board of Ethics, and upon receipt, the Hearing Board will be appointed.

Hearing Board

- 1) Within 30 days of the Board of Ethics receiving the Investigation Panel's written report, the Hearing Board will initiate a public hearing process to determine whether the Respondent committed a violation of the Code of Ethics.
- 2) The Hearing Board shall hold hearings.
- 3) Upon completion of the hearings before the Hearing Board, the Complainant and Respondent shall be notified in writing of the decision of the Hearing Board, not later than 10 business days after the decision has been made.

3) Complaint Form:

Contact the City of Norwalk Board of Ethics:
Board of Ethics, Norwalk City Clerk, 125 East Avenue, Norwalk, CT 06851

**BOARD OF ETHICS
COMPLAINT**

1. Person filing this Complaint (*the Complainant*):

Name: _____ Date: _____

Address: _____

Telephone Number(s): _____

Email Address: _____

2. Person against whom this Complaint is being filed (*the Respondent*):

☐ City employee ☐ Elected official ☐ Appointed official ☐ Other

Name: _____

City Commission, Board, Agency or Department: _____

3. Check the section(s) of the Norwalk Code of Ethics that you believe the Respondent has violated (*Please refer to the Norwalk Code of Ethics, Chapter 32 of the Norwalk Code of Ordinances. The Board of Ethics may find violations of ordinances or statutes not checked above.*):

- | | |
|--|--|
| ☐ Conflict of interest (§32-4) | ☐ Prohibited representation (§32-5) |
| ☐ Prohibited use of City property/facilities (§32-6) | ☐ Prohibited use of influence/information (§32-7) |
| ☐ Prohibited gifts (§32-8) | ☐ Specific violations (§32-9) |
| ☐ Negotiation of future employment-(§32-10) | ☐ Subsequent employment (§32-11) |
| ☐ other (Describe & cite ordinance or statute): _____ | |

CITY OF NORWALK
ETHICS - COMPLAINT

Page 2 of 4

4. State your complaint and describe the circumstances, including dates, that you believe constitute a violation of the Norwalk Code of Ethics *(Use additional sheets if necessary)*:

UNIT

CITY OF NORWALK
ETHICS - COMPLAINT

Page 3 of 4

5. Describe or attach copies of any documents that support your Complaint.

6. Provide the names, addresses and telephone numbers of any witnesses to the circumstances described in Item 5 above *(optional)*:

7. I hereby certify under penalty of false statement that the foregoing statement describing a possible violation of the Norwalk Code of Ethics is true and accurate to the best of my knowledge and belief. I also certify under penalty of false statement that I will not violate the requirement of confidentiality as stated in the Norwalk Code of Ethics.

Signature: _____ Date: _____

CITY OF NORWALK
ETHICS COMPLAINT

Page 4 of 4

NOTE:

1. This Complaint will not be considered filed without the name, address, and original signature of the Complainant. Mail or hand-deliver this Complaint in a sealed envelope to:

City of Norwalk
Board of Ethics
City Clerk
125 East Avenue
Norwalk, CT 06851

Complaints will **not** be accepted electronically (email) or by fax.

2. Once filed, this Complaint may not be withdrawn by the Complainant without the approval of the Board of Ethics.

3. The Board of Ethics Investigating Panel's preliminary investigation of a Complaint is confidential unless the Respondent requests that it be open. Unless the Board of Ethics advises you otherwise, the allegations in the Complaint and any information supplied to or received from the Board of Ethics may not be disclosed to any person outside of the investigative process. A violation of the requirement of confidentiality by the Complainant, whether direct or indirect, shall be grounds, at the discretion of the Board of Ethics, to dismiss the Complaint.

4. Complaints shall be deemed to have been received by the members of the Board of Ethics at the first regularly scheduled meeting of the Board following delivery of the Complaint to the Norwalk City Clerk.

4) **City of Norwalk Code of Ethics (Chapter 32)**